

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF  
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office MAY 22 2000

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_

Map filed MAY 22 2000

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The applicant **American Borate Company**, hereby makes application for permission to change the **Point of Diversion, Manner of Use and Place of Use** for a portion of water heretofore appropriated under **Permit 19197, Certificate 6675**

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1. The source of water is an **underground source** in **Nye County, NV**
2. The amount of water to be changed **0.4933 CFS., not to exceed 132 AFA.**
3. The water to be used for **Mining and Milling purposes**
4. The water heretofore permitted for **Irrigation and Domestic**
5. The water is to be diverted at the following point **within Government Lot 6 in Section 2, T.18S., R.49E., M.D.M. or at a point from which the closing corner to Sections 2 and 3 of said Township and Range bears S. 43° 22' 00" W., a distance of 71 feet**
6. The existing permitted point of diversion is located within the **NW. ¼ SE. ¼ of Section 22, T.16S., R.49E., M.D.M. or at a point from which the S. ¼ corner of said Section 22 bears S. 00° 19' 10" W., a distance of 1370 feet**
7. Proposed place of use **160 acres within the SW. ¼ of Section 36, T.17S., R.49E., M.D.M.**
8. Existing place of use  
**21.80 acres within the NW.¼ SE.¼ of Section 22, T.16S., R.49E., M.D.M.**  
**4.77 " " " NE.¼ SW.¼ " " " " " " " "**  
**26.57 acres total being a portion of APN. 19-541-23**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **A 10¾ in. X 400 ft. deep driven well, cased all the way, with a 20 hp. submersible pump**
12. Estimated cost of works **\$20,000**
13. Estimated time required to construct works **2 years**
14. Estimated time required to complete the application of water to beneficial use **5 years**
15. Remarks: **This water is to be used for general Mining and Milling of Borate ore in addition to existing permits for water.**

By **Darrell E. Cypert**  
s/**Darrell E. Cypert (Agent)**  
**HCR 70, Box 610**  
**Amargosa Valley, Nv, 89020**

Compared my/ cmf ds/cmf

Protested \_\_\_\_\_

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place and manner of use of a portion of the waters of an underground source, as heretofore granted under Permit 19197, Certificate 6675, is issued subject to the terms and conditions imposed in said Permit 19197, Certificate 6675, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.4933 cubic feet per second, but not to exceed 132 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

October 15, 2002

Proof of completion of work shall be filed before:

November 15, 2002

Water must be placed to beneficial use on or before:

October 15, 2005

Proof of the application of water to beneficial use shall be filed on or before:

November 15, 2005

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office

this 15th day of, October A.D. 2001

  
State Engineer

Completion of work filed NOV 15 2002

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed N/A

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

